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Atty. Dkt. No. 078883-0139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Iain Alasdair DONALDSON et al.

Title: PROMOTER

Appl. No.: 10/009,570

Filing Date: 06/19/2002

Examiner: Unassigned

Art Unit: Unassigned

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR § 1.97 and § 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR § 1.97(b), before the mailing date of the first Office Action on the merits.



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RELEVANCE OF EACH DOCUMENT

The relevance of the listed documents is described in the present specification.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

Jan 9, 2003

By

Michele M. Simkin

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5407
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717

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PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: January 9, 2003

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Complete if Known

Application Number	10/009,570
Filing Date	12/12/2001
First Named Inventor	Iain Alasdair DONALDSON et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	078883-0139

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	3,817,837		RUBENSTEIN ET AL.	06/18/1974	
	A2	3,850,752		SCHUURS ET AL.	11/26/1974	
	A3	3,996,345		ULLMAN ET AL.	12/07/1976	
	A4	4,277,437		MAGGIO	07/07/1981	
	A5	4,275,149		LITMAN ET AL.	06/23/1981	
	A6	4,366,241		TOM ET AL.	12/28/1982	
	A7	4,816,567		CABILLY ET AL.	03/28/1989	

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A8	CA	2,006,454		ROCHA-SOSA ET AL.	06/21/1990		
	A9	WO	99/50399	A2	DANISCO A/S	10/07/1999		
	A10	WO	96/29416	A1	DANISCO A/S	09/26/1996		
	A11	WO	94/24292	A2	DANISCO A/S	0/27/1994		
	A12	WO	95/10616	A2	DANISCO A/S	04/20/1995		
	A13	WO	96/01323	A1	DANISCO A/S	01/18/1996		
	A14	WO	96/29415	A1	DANISCO A/S	09/26/1996		
	A15	WO	98/54335	A1	DANISCO A/S	12/03/1998		
	A16	WO	97/03574	A1	DANISCO A/S	02/06/1997		
	A17	WO	94/25575	A1	NOVO NORDISK A/S	11/10/1994		
	A18	WO	97/31102	A1	NOVO NORDISK A/S	08/28/1997		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A19	BLOOMFIELD, "Condensation of DNA by Multivalent Cations: Considerations on Mechanism", <i>Biopolymers</i> (1991), Vol. 31, pp. 1471-1481.	
	A20	DONOVAN ET AL., "The Growth of Detached Wheat Heads in Liquid Culture," <i>Plant Science Letters</i> (1977), Vol. 9, pp. 107-113.	
	A21	KIKKERT, "The Biolistic® PDS-1000/He device," <i>Plant Cell Tissue and Organ Culture</i> (1993), Vol. 33, pp. 221-226.	

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Group Art Unit	Unassigned
Examiner Name	Unassigned
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	A22	KNUDSEN ET AL., "Transformation of the developing barley endosperm by particle bombardment," <i>Planta</i> (1991), Vol. 185, pp. 330-336.	
	A23	SIEBERT ET AL., "An improved PCR method for walking in uncloned genomic DNA," <i>Nucleic Acids Research</i> (1995), Vol. 23, No. 6, pp. 1087-1088.	
	A24	COPELAND, "Enzymes of Sucrose Metabolism," <i>Methods in Plant Biochemistry</i> , Vol. 3 (1990), pp. 73 - 85, Academic Press Limited.	
	A25	DÖRMANN ET AL., "The role of UDP-glucose epimerase in carbohydrate metabolism of <i>Arabidopsis</i> ," <i>The Plant Journal</i> (1998), Vol. 13, No. 5, pp. 641-652.	
	A26	FINER ET AL., "Development of the particle inflow gun for DNA delivery to plant cells," <i>Plant Cell Reports</i> (1992), Vol. 11, pp. 323-328.	
	A27	JEFFERSON, "Assaying Chimeric Genes in Plants: The GUS Gene Fusion System," <i>Plant Molecular Biology Reporter</i> (1987), Vol. 5, No. 4, pp. 387-405.	
	A28	KARRER ET AL., "Metabolic regulation of rice α -amylase and sucrose synthase genes in planta," <i>The Plant Journal</i> (1992), Vol. 2, No. 4, pp. 517-523.	
	A29	KLEIN ET AL., "High-velocity microprojectiles for delivering nucleic acids into living cells," <i>Nature</i> (1987), Vol. 327, pp. 70 - 73.	
	A30	KLEIN ET AL., "Transfer of foreign genes into intact maize cells with high-velocity microprojectiles," <i>Proc. Natl. Acad. Sci. USA</i> (1988), Vol. 85, pp. 4305-4309.	
	A31	LOPES ET AL., "Endosperm Origin, Development, and Function," <i>The Plant Cell</i> (1993), Vol. 5, pp. 1383-1399.	
	A32	SANFORD ET AL., "Delivery of Substances into Cells and Tissues Using a Particle Bombardment Process," <i>Particulate Science and Technology</i> (1987), Vol. 5, No. 1, pp. 27-37.	
	A33	THOMAS, "Gene Expression during Plant Embryogenesis and Germination: An Overview," <i>The Plant Cell</i> (1993), Vol. 5, pp. 1401-1410.	
	A34	VAIN ET AL., "Development of the Particle Inflow Gun," <i>Plant Cell, Tissue and Organ Culture</i> (1993), Vol. 33, pp. 237-246.	
	A35	WEST ET AL., "Embryogenesis in Higher Plants: An Overview," <i>The Plant Cell</i> (1993), Vol. 5, pp. 1361-1369.	

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	A36	WHISTLER ET AL., <i>Guar: Agronomy, Production, Industrial Use, and Nutrition</i> (1979), Purdue University Press, West Lafayette, Indiana.	
	A37	BAUMLEIN ET AL., "Cis-analysis of a seed protein gene promoter: the conservative RY repeat CATGCATG within the legumin box is essential for tissue-specific expression of a legumin gene," <i>The Plant Journal</i> (1992), Vol. 2, No. 2, pp. 233-239.	
	A38	JOSHI, "An inspection of the domain between putative TATA box and translation start site in 79 plant genes," <i>Nucleic Acids Research</i> (1987), Vol. 15, No. 16, pp. 6643-6653.	
	A39	MARZABAL ET AL., "The bifactorial endosperm box of γ -zein gene: characterisation and function of the Pb3 and GZM cis-acting elements," <i>The Plant Journal</i> (1998), Vol. 16, No. 1, pp. 41-52.	
	A40	MULLER ET AL., "The nitrogen response of a barley C-hordein promoter is controlled by positive and negative regulation of the GCN4 and endosperm box," <i>The Plant Journal</i> (1993), Vol. 4, No. 2, pp. 343-355.	
	A41	SIMPSON ET AL., "Splicing of precursors to mRNA in higher plants: mechanism regulation and sub-nuclear organisation of the spliceosomal machinery," <i>Plant Molecular Biology</i> (1996), Vol. 32, pp. 1 - 41.	

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